

Wednesday, September 3, 1997

# Daily Digest

## HIGHLIGHTS

Senate passed Agriculture Appropriations, 1998.

## Senate

### Chamber Action

*Routine Proceedings, pages S8677–S8764*

**Measures Introduced:** Five bills and one resolution were introduced, as follows: S. 1142–1146, and S. Res. 118. Page S8723

#### Measures Passed:

**Agriculture Appropriations, 1998:** Senate passed H.R. 2160, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, after striking all after the enacting clause and inserting in lieu thereof the text of S. 1033, Senate companion measure, as passed the Senate on Thursday, July 24, 1997, after taking action on the following amendment proposed thereto: Pages S8677–82

#### Adopted:

Harkin Amendment No. 1057, to provide funding for activities of the Food and Drug Administration relating to the prevention of tobacco use by youth. (By 28 yeas to 70 nays (Vote No. 212), Senate earlier failed to table the amendment.) Pages S8677–82

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair appointed the following conferees: Senators Cochran, Specter, Bond, Gorton, McConnell, Burns, Stevens, Bumpers, Harkin, Kohl, Byrd, Leahy, and Inouye. Page S8682

**National Day of Recognition:** Senate agreed to S. Res. 118, expressing the condolences on the death of Diana, Princess of Wales, and designating September 6, 1997, as a “National Day of Recognition for the Humanitarian Efforts of Diana, Princess of Wales.” Pages S8710, S8743–44

**Labor/HHS Appropriations, 1998:** Senate continued consideration of S. 1061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the

fiscal year ending September 30, 1998, taking action on amendments proposed thereto, as follows:

Pages S8685–S8720

#### Adopted:

Ashcroft Amendment No. 1061, to provide for limitations with respect to expenditures for abortions. Pages S8689–91

Dorgan Amendment No. 1068, to increase the funding for heart and stroke research by the National Heart, Lung, and Blood Institute of the National Institutes of Health. Pages S8695–97

Specter Amendment No. 1072, to fund demonstration projects on Medicaid attendant care services, within amounts available. Pages S8701–02

Coats/Frist Amendment No. 1075, to provide for the conduct of a comprehensive, independent study of National Institutes of Health research priority setting. Pages S8715–16

By 95 yeas to 3 nays (Vote No. 214), Wellstone/McCain Modified Amendment No. 1074, to provide for the establishment of a program for research and training with respect to Parkinson's disease. Pages S8711–15, S8720

#### Rejected:

By 25 yeas to 74 nays (Vote No. 213), Kyl Amendment No. 1056, to increase funding for Federal Pell Grants, with an offset from fiscal year 1998 funding for low-income home energy assistance. Pages S8685–89, S8693–94, S8707–11, S8720

#### Pending:

Gregg Amendment No. 1070, to prohibit the use of funds for national testing in reading and mathematics, with certain exceptions. Pages S8697–S8702

Coats/Gregg Amendment No. 1071 (to Amendment No. 1070), to prohibit the development, planning, implementation, or administration of any national testing program in reading or mathematics unless the program is specifically authorized by Federal statute. Pages S8699–S8702

Specter Amendment No. 1069, to express the sense of the Senate that the Attorney General has

abused her discretion by failing to appoint an independent counsel on campaign finance matters and that the Attorney General should proceed to appoint such an independent counsel immediately.

Pages S8702-07

Coats/Nickles Amendment No. 1077, to prohibit the use of funds for research that utilizes human fetal tissue, cells, or organs that are obtained from a living or dead embryo or fetus during or after an induced abortion.

Pages S8719-20

Senate will continue consideration of the bill on Thursday, September 4, 1997.

**FDA Modernization and Accountability Act—Cloture Filed:** A motion was entered to close further debate on the motion to proceed to consideration of S. 830, to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Friday, September 5, 1997.

Pages S8720-21

Subsequently, the motion to proceed to consideration of the bill was withdrawn.

Page S8721

**Removal of Injunction of Secrecy:** The injunction of secrecy was removed from the following treaties: Mutual Legal Assistance in Criminal Matters with Trinidad and Tobago (Treaty Doc. 105-22);

Mutual Legal Assistance in Criminal Matters with Barbados (Treaty Doc. 105-23);

Mutual Legal Assistance in Criminal Matters with Antigua and Barbuda, Dominica, Grenada and St. Lucia (Treaty Doc. 105-24);

Inter-American Convention on Mutual Assistance in Criminal Matters with related Optional Protocol (Treaty Doc. 105-25).

The treaties were transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed.

Pages S8744-45

**Nominations Received:** Senate received the following nominations:

R. Nicholas Burns, of Virginia, to be Ambassador to Greece.

Kathryn Walt Hall, of Texas, to be Ambassador to the Republic of Austria.

Tom McDonald, of Ohio, to be Ambassador to the Republic of Zimbabwe.

Mark Robert Parris, of Virginia, to be Ambassador to the Republic of Turkey.

Edward E. Shumaker, III, of New Hampshire, to be Ambassador to the Republic of Trinidad and Tobago.

35 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Coast Guard, Foreign Service, Marine Corps, and Navy.

Pages S8746-64

**Measures Referred:**

Page S8723

**Communications:**

Page S8723

**Statements on Introduced Bills:**

Pages S8723-32

**Additional Cosponsors:**

Pages S8732-33

**Amendments Submitted:**

Pages S8733-36

**Notices of Hearings:**

Page S8736

**Authority for Committees:**

Pages S8736-37

**Additional Statements:**

Pages S8737-39

**Record Votes:** Three record votes were taken today. (Total—214)

Pages S8682, S8710-11, S8720

**Adjournment:** Senate convened at 9:30 a.m., and adjourned at 8:29 p.m., until 9:30 a.m., on Thursday, September 4, 1997. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8745.)

## Committee Meetings

(Committees not listed did not meet)

### UNION VIOLENCE

*Committee on the Judiciary:* Committee concluded hearings on S. 230, to revise certain provisions of the Hobbs Act of 1946 to close a loophole which exempts unions engaged in serious violence from existing federal prohibitions and penalties that apply to everyone other than labor unions in the United States, after receiving testimony from Edwin Meese III, former Attorney General, Department of Justice; Reed Larson, National Right to Work Committee, Springfield, Virginia; Michael H. Gottesman, Georgetown University Law Center, Washington, D.C.; Julius Getman, University of Texas School of Law, Austin; Shucheng K. Huang, Winchester, Virginia; Glen Dale Yeatts, Pasadena, California; and John Benevento, Hamden, Connecticut.

### ENCRYPTION TECHNOLOGY

*Committee on the Judiciary:* Subcommittee on Technology, Terrorism, and Government Information concluded hearings on the impact of encryption technology on public safety and law enforcement, focusing on the security needs of business and industry and the use of encryption by organized crime and terrorists, after receiving testimony from Louis J. Freeh, Director, Federal Bureau of Investigation, Department of Justice; Dorothy E. Denning, Georgetown University, Washington, D.C.; William E. Baugh, Jr., Science Applications International Corporation, McLean, Virginia; Jeffrey A. Herig, Florida

Department of Law Enforcement, Tallahassee; Robert R. Burke, Monsanto Company, St. Louis, Missouri, on behalf of the Overseas Security Advisory Council, Department of State; R. Patrick Watson, Eastman Kodak Company, Rochester, New York; and Kenneth Lieberman, Visa USA, San Mateo, California.

### GLOBAL TOBACCO SETTLEMENT

*Committee on Labor and Human Resources:* Committee held hearings to examine the scope and depth of the proposed settlement between State Attorneys General and tobacco companies to mandate a total reforma-

tion and restructuring of how tobacco products are manufactured, marketed and distributed in America, focusing on its long-term impact on children and the public health, receiving testimony from Mississippi Attorney General Mike Moore, Jackson; Matthew L. Myers, National Center for Tobacco-Free Kids, Washington, D.C.; D. Scott Wise, Davis Polk & Wardwell, and John R. Garrison, American Lung Association, both of New York, New York; and Lonnie R. Bristow, San Pablo, California.

Hearings continue on Tuesday, September 16.

## House of Representatives

### Chamber Action

**Bills Introduced:** 17 public bills, H.R. 2298, 2379–2394; 1 private bill, H.R. 2395; and 3 resolutions, H. Con. Res. 142 and H. Res. 217–218, were introduced.

Page H6797

**Reports Filed:** Reports were filed as follows:

Filed on August 5: H.R. 2378, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998 (H. Rept. 105–240);

H.R. 2378, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998 (H. Rept. 105–240 Part II);

H.R. 700, to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians amended (H. Rept. 105–241);

H.R. 976, to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, amended (H. Rept. 105–242); and

H.R. 1903, to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security, amended (H. Rept. 105–243).

Pages H6796–97

**Independence of India and Pakistan:** Pursuant to the provisions of H. Res. 157, on August 7, the Speaker announced the following Members of the House to the delegation attending the 50th Anniversary of the Independence of India and Pakistan: Rep-

resentatives Gilman, Ackerman, Hastings of Florida, Engel, and Delegate Faleomavaega.

Page H6718

**Clerk Designations:** Read a letter from the Clerk wherein she designated Mr. Jeff Trandahl, Deputy Clerk; Ms. Julie Perrier, Assistant Clerk; and Mr. Ray Strong, Assistant Clerk to sign papers and do all other acts under the name of the Clerk in case of her temporary absence or disability.

Page H6718

**Resignation from the House of Representatives:** Read a letter from Representative Flake of New York wherein he announced his resignation from the House of Representatives, effective October 15, 1997.

Page H6718

**Presidential Messages:** Read the following messages from the President transmitted to the Clerk on August 11, 1997:

**Balanced Budget Act:** Message wherein he, in accordance with the Line Item Veto Act (P.L. 104–130), cancels one item of new direct spending contained in the “Balanced Budget Act of 1997” (P.L. 105–33, H.R. 2015)—referred to the Committee on the Budget and ordered printed (H. Doc. 105–115); and

Page H6718

**Taxpayer Relief Act:** Message wherein he, in accordance with the Line Item Veto Act (P.L. 104–130), cancels two limited tax benefits contained in the “Taxpayer Relief Act of 1997” (P.L. 105–34, H.R. 2014)—referred to the Committees on the Budget and Ways and Means and ordered printed (H. Doc. 105–116).

Page H6718

**Committee on Transportation and Infrastructure:** Read two letters from the Chairman of the Committee on Transportation and Infrastructure wherein he transmits copies of resolutions adopted by the Committee on July 23—referred to the Committee on Appropriations.

Pages H6719–20

**Committee on the Records of Congress:** Read a letter from the Clerk wherein she appoints Mr. Roger Davidson of Washington, D.C. to the Advisory Committee on the Records of Congress.

Page H6721

**Military Construction Appropriations Act Conference:** The House disagreed to the Senate amendments to H.R. 2016, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and agreed to a conference. Appointed as conferees: Representatives Packard, Porter, Hobson, Wicker, Kingston, Parker, Tiahrt, Wamp, Livingston, Hefner, Olver, Edwards, Dicks, Hoyer, and Obey.

Page H6724

Agreed to the Hefner motion to instruct conferees to insist on the House position with respect to funding for Family Housing, Dormitories and Barracks for military personnel serving worldwide.

Page H6724

**VA, HUD, and Independent Agencies Appropriations Act Conference:** The House disagreed to the Senate amendment to H.R. 2158, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and agreed to a conference. Appointed as conferees: Lewis of California, DeLay, Walsh, Hobson, Knollenberg, Frelinghuysen, Neumann, Wicker, Livingston, Stokes, Mollohan, Kaptur, Meek of Florida, Price, and Obey.

Pages H6724–25

Agreed to the Stokes motion to instruct conferees to insist on the position of the House regarding the total funding level provided for the Environmental Protection Agency's "Hazardous Substance Superfund" account.

Pages H6724–25

**Transportation Appropriations Act Conference:** The House disagreed to the Senate amendment to H.R. 2169, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and agreed to a conference. Appointed as conferees: Representatives Wolf, DeLay, Regula, Rogers, Packard, Callahan, Tiahrt, Aderholt, Livingston, Sabo, Foglietta, Torres, Olver, Pastor, and Obey.

Page H6725

Agreed to the Sabo motion to instruct conferees to insist on the House position with respect to providing \$200,000,000 for operating assistance under the transit formula grants program.

Page H6725

**Energy and Water Appropriations Act Conference:** The House disagreed to the Senate amendment to H.R. 2203, making appropriations for energy and water development for the fiscal year ending September 30, 1998, and agreed to a conference.

Appointed as conferees: Representatives McDade, Rogers, Knollenberg, Frelinghuysen, Parker, Callahan, Dickey, Livingston, Fazio, Visclosky, Edwards, Pastor, and Obey.

Pages H6725–26

Agreed to the Fazio motion to instruct conferees to recede to the Senate on funding levels provided for nonproliferation and arms control programs under the Department of Energy.

Pages H6725–26

**Foreign Operations Appropriations Act:** The House considered amendments to H.R. 2159 making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998. The House completed debate and considered amendments to the bill on July 30. Consideration of amendments will resume on Thursday, September 4.

Pages H6726–55

Agreed To:

The Yates amendment as modified that prohibits any funds to be used by the Government of Croatia to relocate the remains of Croatian Ustashe soldiers at the site of the World War II concentration camp at Jasenovac, Croatia;

Pages H6729–30

The Traficant amendment that allows procurement outside the United States only for purchases in the country receiving assistance when these purchases cost less, are not available in the United States, or the President determines that such purchases would result in a more efficient use of foreign assistance resources;

Pages H6730–31

The Traficant amendment that prohibits any funding to be used to pay for NATO expansion not authorized by law; and

Page H6750

The Bereuter amendment, offered on July 30, that prohibits direct aid to the Government of Cambodia.

Pages H6389–92

Point of Order:

A point of order was sustained against section 539 concerning restrictions on the termination of sanctions against Serbia and Montenegro.

Page H6731

Pending Amendments:

The Campbell amendment was offered that seeks to increase funding for the African Development Fund by \$25 million and decrease the Economic Support Fund accordingly;

Pages H6726–29

The Paul amendment was offered that seeks to prohibit any funding for population control, family planning activities, or abortion procedures;

Pages H6731–34

The Fox amendment was offered that seeks to prohibit any development assistance funding to support trophy hunting or the international commercial trade in elephant ivory, hides or rhinoceros horns;

Pages H6734–39

The Torres amendment was offered that seeks to prohibit any funding for the United States Army School of the Americas;

Pages H6739–49

The Stearns amendment was offered that seeks to express the sense of the Congress that all member nations of NATO should contribute their proportionate share for the costs of the Partnership for Peace program and any future costs of NATO expansion; and

Pages H6749–50

The Burton of Indiana amendment was offered that seeks to limit to not more than \$41.7 million of Development Assistance funding to India.

Pages H6750–55

The bill is being considered pursuant to the order of the House of Thursday, July 24.

Pages H5732–44

**Order of Business—Foreign Operations:** It was made in order that, during further consideration of H.R. 2159, no further amendment shall be in order in the Committee of the Whole except the amendment numbered 1 in House Report 105–184 and the amendment to that amendment, under the terms of the order of the House of July 24, 1997, and the amendment numbered 40 by Representative Burton.

Page H6755

**Legislative Branch Appropriations Act Conference:** The House disagreed to the Senate amendment to H.R. 2209, making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998, and agreed to a conference. Appointed as conferees: Representatives Walsh, Young of Florida, Cunningham, Wamp, Latham, Livingston, Serrano, Fazio, Kaptur, and Obey.

Pages H6755–58

By a yea and nay vote of 202 yeas to 208 nays, Roll No. 352, rejected the Serrano motion to instruct conferees to agree to the position in Senate amendment numbered 1 with respect to the account “Joint Committee on Taxation” providing not more than a 4.64% increase for the Joint Committee on Taxation compared to an 8% increase in the House bill.

Pages H6755–58

**Agriculture, Rural Development, FDA, and Related Agencies Appropriations Act Conference:** The House disagreed to the Senate amendment to H.R. 2160, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and agreed to a conference. Appointed as conferees: Representatives Skeen, Walsh, Dickey, Kingston, Nethercutt, Bonilla, Latham, Livingston, Kaptur, Fazio, Serrano, DeLauro, and Obey.

Pages H6758–60

By a yea and nay vote of 299 yeas to 125 nays, Roll No. 353, agreed to the Kaptur motion to instruct conferees to recede to the Senate regarding funding levels provided under the Food and Drug Administration for the program to prevent the use of tobacco products by minors.

Pages H6758–60

**Defense Appropriations Act Conference:** The House disagreed to the Senate amendment to H.R. 2266, making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and agreed to a conference. Appointed as conferees: Representatives Young of Florida, McDade, Lewis of California, Skeen, Hobson, Bonilla, Nethercutt, Istook, Cunningham, Livingston, Murtha, Dicks, Hefner, Sabo, Dixon, Visclosky, and Obey.

Pages H6760–61

Agreed to the Obey motion to instruct conferees to insist on the House position prohibiting the use of funds to approve or license the sale of the F–22 advanced tactical fighter to any foreign government.

Pages H6760–61

By a yea and nay vote of 420 yeas to 4 nays, Roll No. 354, agreed that the conference meetings between the House and the Senate on H.R. 2266 be closed to the public at such times as classified national security information is under consideration; provided, that any sitting Member of Congress shall have a right to attend any closed or open meeting.

Pages H6761–62

**Senate Messages:** Message received from the Senate today and the message transmitted to the Clerk on August 1 appear on page H6717.

**Referrals:** S. 1120, to provide for a consultant for the President pro tempore, was referred to the Committee on House Oversight.

Page H6783

**Amendments:** Amendments ordered printed pursuant to the rule appear on page H6799.

**Quorum Calls—Votes:** Three yea-and-nay votes developed during the proceedings of the House today and appear on pages H6757–58, H6760, and H6761–62. There were no quorum calls.

**Adjournment:** Met at 12:00 noon and adjourned at 10:02 p.m.

## Committee Meetings

### TEACHERS: HELPING AMERICA TO READ

*Committee on Education and the Workforce:* Held a hearing on Teachers: The Key to Helping America to Read. Testimony was heard from public witnesses.

### DEFENSE AIRBORNE RECONNAISSANCE OFFICE

*Permanent Select Committee on Intelligence:* Subcommittee on Technical and Tactical Intelligence met in executive session to hold a hearing on the Defense Airborne Reconnaissance Office (DARO). Testimony was heard from departmental witnesses.

## Committee Meetings

### TEACHERS: HELPING AMERICA TO READ

*Committee on Education and the Workforce:* Held a hearing on Teachers: The Key to Helping America to Read. Testimony was heard from public witnesses.

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*Permanent Select Committee on Intelligence:* Subcommittee on Technical and Tactical Intelligence met in executive session to hold a hearing on the Defense Airborne Reconnaissance Office (DARO). Testimony was heard from departmental witnesses.

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### COMMITTEE MEETINGS FOR THURSDAY, SEPTEMBER 4, 1997

*(Committee meetings are open unless otherwise indicated)*

#### Senate

*Committee on Agriculture, Nutrition, and Forestry,* to hold hearings to examine rural and agricultural credit issues, 9 a.m., SR-332.

*Committee on Appropriations,* Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine national testing for the public school system, 8:30 a.m., SD-192.

*Committee on Environment and Public Works,* to hold hearings on S. 8, authorizing funds through fiscal year 2002 for programs of the Comprehensive Environmental Response, Liability, and Compensation Act of 1980, 2 p.m., SD-406.

*Committee on Foreign Relations,* Subcommittee on East Asian and Pacific Affairs, to hold hearings to examine the current situation in Cambodia, 9 a.m., SD-419.

Full Committee, to hold hearings on the nomination of Peter L. Scher, of the District of Columbia, for the rank of Ambassador during his tenure of service as Special Trade Negotiator, 2 p.m., SD-419.

*Committee on Governmental Affairs,* to resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing, 10 a.m., SH-216.

*Committee on the Judiciary,* to hold hearings to examine copyright infringement liability of on-line and Internet service providers, 10 a.m., SD-226.

Subcommittee on Administrative Oversight and the Courts, to hold hearings to review the judicial allocations for the Second and Eighth Circuit Courts of Appeal, 2 p.m., SD-226.

#### NOTICE

For a listing of Senate committee meetings scheduled ahead, see pages E1648-49 in today's Record.

#### House

*Committee on Appropriations,* Subcommittee on the District of Columbia, on D.C. Public Schools, 11 a.m., H-144 Capitol.

*Committee on Commerce,* Subcommittee on Finance and Hazardous Materials, hearing on the Operation of the Superfund Program, 10:30 a.m., 2123 Rayburn.

Subcommittee on Telecommunications, Trade, and Consumer Protection, hearing on H.R. 695, Security and Freedom Through Encryption (SAFE) Act, 10 a.m., 2322 Rayburn.

*Committee on Government Reform and Oversight,* Subcommittee on Government Management, Information, and Technology, to mark up H.R. 1962, Presidential and Executive Office Financial Accountability Act of 1997, 10:30 a.m., 2154 Rayburn.

*Committee on the Judiciary,* Subcommittee on the Constitution, hearing on proposals for Electoral College Reform: H.J. Res. 28, proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; and H.J. Res. 43, proposing an amendment to the Constitution of the United States to abolish the Electoral College and to provide for the direct election of the President and Vice President of the United States, 10 a.m., 2237 Rayburn.

*Committee on Science,* Subcommittee on Technology, hearing on Small Business Technology Transfer Program, 10 a.m., 2318 Rayburn.

*Committee on Veterans' Affairs,* Subcommittee on Benefits, to mark up H.R. 2367, Veterans' Compensation Cost-of-Living Adjustment Act of 1997, 9:30 a.m., 334 Cannon.

*Next Meeting of the SENATE*

9:30 a.m., Thursday, September 4

## Senate Chamber

**Program for Thursday:** Senate will continue consideration of S. 1061, Labor/HHS Appropriations, 1998.

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10 a.m., Thursday, September 4

## House Chamber

**Program for Thursday:** Consideration of H.R. 2159, Foreign Operations Appropriations Act (open rule); and Consideration of H.R. 2264, Labor, HHS, and Education Appropriations Act for FY 1998 (open rule, 1 hour general debate).

## Extensions of Remarks, as inserted in this issue

## HOUSE

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 Woolsey, Lynn C., Calif., E1636



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